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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/695,011
Filing Date	October 28, 2003
First Named Inventor	Vaughn L. Bauer
Art Unit	3671
Examiner Name	Alexandra K. Pechhold
Attorney Docket Number	2-5751-001

Total Number of Pages in This Submission

ENCLOSURES *(Check all that apply)*

- [✓] Fee Transmittal Form
- [✓] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation
- [ ] Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [✓] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please Identify below):

Remarks

FEE TRANSMITTAL FORM - 1 sheet;
APPEAL BRIEF - 20 pages, with attachments of 4 sheets showing color-coded claims and 1 sheet showing a color-coded FIG. 1 of a U.S. Patent - all referred to in Appeal Brief; and CHECK in the amount of $500 for the Appeal Brief Fee

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	STURM & FIX LLP		
Signature	Michael O. Sturm		
Printed name	Michael O. Sturm		
Date	02/15/2005	Reg. No.	26,078

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Deborah M. Potts		
Typed or printed name	Deborah M. Potts	Date	02/15/2005

PTO/SB/17 (12-04v2)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($)	500

Complete if Known	
Application Number	10/695,011
Filing Date	October 28, 2003
First Named Inventor	Vaughn L. Bauer
Examiner Name	Alexandra K. Pechhold
Art Unit	3671
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METHOD OF PAYMENT (check all that apply)

☑ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 08-1650 Deposit Account Name: STURM & FIX LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____	x _____	= _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____	x _____	= _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims Fee ($)	Multiple Dependent Claims Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____ / 50 =	_____ (round **up** to a whole number)	x _____	= _____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Appeal Brief fee	500

SUBMITTED BY

Signature	Michael O. Sturm	Registration No. (Attorney/Agent) 26,078	Telephone 515-288-9589
Name (Print/Type)	Michael O. Sturm		Date 02/15/2005

Attorney Docket No. 2-5751-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Vaughn L. Bauer

Ser. No. 10/695,011

Filed: October 28, 2003 Examiner: Alexandra K. Pechhold

For: **SECTIONAL TOOLBAR FOR A PLANTER** Group Art: 3671

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following is an appeal in response to the Advisory Action mailed December 28, 2004.

Real Party in Interest

Vaughn L. Bauer
Bauer Built Manufacturing
507 S. Wise Street
Paten, IA 50217

Related Appeals and Interferences

None

Status of Claims

1. Rejected. On appeal

2. Rejected. On appeal

3. Rejected. On appeal

4. Rejected. On appeal

5. Objected to. On appeal

6. Objected to. On appeal

7. Objected to. On appeal

8. Objected to. On appeal

9. Objected to. On appeal

10. Objected to. On appeal

11. Rejected. On appeal

12. Rejected. On appeal

13. Rejected. On appeal

14. Rejected. On appeal

15. Objected to. On appeal

16. Objected to. On appeal

17. Objected to. On appeal

18. Objected to. On appeal

19. Rejected. On appeal

20. Rejected. On appeal

21. Not mentioned in Office Action/Advisory Action. On appeal

22. Not mentioned in Office Action/Advisory Action. On appeal

23. Not mentioned in Office Action/Advisory Action. On appeal

Status of Amendments

Final Office Action mailed: October 05, 2004
Amendment After Final mailed: December 01, 2004

Summary of the Invention

A farm implement toolbar comprising more than three sections (page 6 lines 3–4, Figs. 2, 5–10) and the ability to fold (page 6 lines 20–28, Figs. 5–6). The toolbar is supported by ground engaging wheels near the toolbar's center (page 5 lines 21–23, Figs. 1–2, 5–10), near the ends of the inner sections (page 5 lines 24–25), and near the ends of the toolbar (page 5 line 26).

The wings of the farm implement toolbar may be raised by actuators (page 7 lines 9–11, Fig. 4) during the folding process (page 6 lines 20–28); then lowered again (page 7 lines 11–14) once the folding process is nearly complete. Lowering the wings engages a latch (page 6 line 28–page 7 line 4, Figs 3–4, 11–12) affixed to the wings to the tongue to stabilize the unit for transport.

Issues

Whether claims 1–3, 11–13, and 19–23 are patentable under 35 U.S.C. 102(b) over Hornung (U.S. 3,791,673).

Grouping of Claims

Claim 1: Independently patentable. Teaches novel "attaching an inner end of an outer wing section to an outer end of each inner wing section." This is undisclosed in the prior art.

Claim 2: Group with claim 1.

Claim 3: Group with claim 1.

Claim 4: Independently patentable. Teaches novel: "supporting ends of the outer sections with ground engaging wheels at each extreme end of the outer wing sections."

Claim 5: Independently patentable. Teaches novel: "raising the pivot points between each of the wing sections relative to the ground engaging wheels with the actuators therebetween before the step of rotating both wing sections."

Claim 6: Independently patentable. Teaches novel: "raising the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators therebetween before the step of rotating both wing sections."

Claim 7: Independently patentable. Teaches novel: "lowering the pivot points between each of the wing sections relative to the ground engaging wheels."

Claim 8: Independently patentable. Teaches novel: "lowering the extreme end of each of the wing sections relative to the ground engaging wheels."

Claim 9: Independently patentable. Teaches novel: "engaging a latch to the tongue of

the toolbar upon lowering the pivot points between each of the wing sections."

Claim 10: Independently patentable. Teaches novel: "engaging a latch to the tongue of the toolbar."

Claim 11: Independently patentable. Teaches novel apparatus including: "outer wing sections, operably pivotally attached at inner ends of the outer wing sections to an outer end of each inner wing section." This is undisclosed in the prior art.

Claim 12: Group with claim 11.

Claim 13: Group with claim 11.

Claim 14: Independently patentable. Teaches novel apparatus including: "ground engaging wheels being located substantially at each extreme end of the outer wing sections."

Claim 15: Independently patentable. Teaches novel apparatus including: "actuators for raising the pivot points relative to the ground engaging wheels during folding."

Claim 16: Independently patentable. Teaches novel apparatus including: "actuators for raising the pivot points relative to the ground engaging wheels during folding."

Claim 17: Independently patentable. Teaches a novel apparatus including: "latch for operably affixing a pivot point between the inner wing section and the outer wing section to the tongue of the toolbar."

Claim 18: Independently patentable. Teaches novel apparatus including: "latch for operably affixing an extreme end of the outer wing section to the tongue of the toolbar."

Claim 19: Independently patentable. Teaches novel apparatus including a substantially linear arrangement of the sections of the toolbar. This is undisclosed in the prior art.

Claim 20: Group with claim 19.

Claim 21: Group with claim 19.

Claim 22: Group with claim 19.

Claim 23: Group with claim 1.

Argument

According to the Final Office Action, claims 1–3, 11–13, and 19–23 were rejected under 35 U.S.C. 102(b) as being anticipated by Hornung (U.S. 3,791,673). This rejection is respectfully traversed.

Enclosed is a color-coded set of independent claims along with a correspondingly color-coded Fig. 1 from the Hornung patent. Additional notes are included on the color coded Hornung Fig. 1.

The adjective, *inner*, is defined by Miriam Webster as:

> **1 a :** situated farther in <the *inner* bark> **b :** being near a center especially of influence <the *inner* circles of political power>

With respect to claims 1 and 11, it is evident from the attached Fig. 1 of the Hornung patent that the outer end of the end sections **54, 56** identified in the office action as "inner wing sections" are not operatively attached to the *inner* ends of the rear conduit members **98, 104** incorrectly identified in the office action as "outer wing sections" (they are not "outer" according to the definition of outer). In fact, the *outer* ends of the conduit members **98, 104** are operatively attached to the outer ends of the end sections **54, 56**.

According to the Advisory Action: 'With respect to claims 1 and 11, the applicant disagrees with the Examiner's application of the claim recitation "operably pivotally attaching an inner end of an outer wind section to an outer end of each inner wing section". The Examiner is viewing the "inner end" of outer wing sections (98, 104) as the portion closest to the lateral wing arrangement and wheels. In contrast, the applicant asserts that "inner" here means closer to the tongue (40). But the Examiner is being

consistent in alternatively viewing the inner and outer ends of each section when progressively moving outward from the center section (22), so that each section has an inner then outer end, and the next section an inner and outer end and so on. The applicant needs to provide further definition and limitation to what exactly is meant by the "inner" and "outer" end according to their interpretation, in order to define over the Hornung (US 3,791,673) patent.'

It is respectfully pointed out that words are important in describing an invention. Language in some recent decisions, however, suggests that the intrinsic record, except for the claims, should be consulted only after the ordinary and customary meaning of claim terms to persons skilled in the pertinent art is determined. See, e.g., Tex .Digital Sys., Inc. v. Telegenix ,Inc., 308 F.3d 1193, 1204 (Fed. Cir. 2002), cert. denied, 538 U.S. 1058, 155 L. Ed. 2d 1108, 123 S. Ct. 2230 (2003). The language in these cases emphasizes technical and general-usage dictionaries in determining the ordinary meaning. Id. Under this approach, where the ordinary meaning of a claim term is thus evident, the inventor's written description of the invention, for example, is relevant and controlling insofar as it provides clear lexicography or disavowal of the ordinary meaning. See id. ("The presumption in favor of a [**10] dictionary definition [of a claim term] will be overcome where the patentee, acting as his or her own lexicographer, has clearly set forth an explicit definition of the term different from its ordinary meaning. Further, the presumption also will be rebutted if the inventor has disavowed or disclaimed scope of coverage, by using words or expressions of manifest exclusion or restriction, representing a clear disavowal of claim scope.").

Therefore, as clearly stated above, words are defined by their ordinary and customary

meaning, as given by an appropriate dictionary. The word "inner" is a common term, not at all limited to the instant technology. Further, *inner* does not have, nor has it been given a unique meaning in the present technology or in the instant disclosure. Therefore, an appropriate dictionary – in this case, the Miriam Webster Dictionary – provides a useful, ordinary, and customary meaning (above) for the word *inner*. As outlined above, "where the ordinary meaning of a claim term is thus evident, the inventor's written description of the invention, for example, is relevant and controlling insofar as it provides clear lexicography or disavowal of the ordinary meaning." Such is the case in this application. "Inner" is used for two (2) types of components of the instant apparatus:

- inner wing sections **220**
- inner tongue portion **520**

The inner wing sections **220** are in contrast to the outer wing sections **230**. Clearly, the inner wing sections are both "situated farther in" and "being near a center" relative to the outer wing sections **230**.

The inner tongue portion **520** is in contrast to the outer tongue portion **530**. Again, the inner tongue portion **520** is clearly both "situated farther in" and "being near a center" relative to the outer tongue portion **530**.

It is clear that the instant description, was not a "disavowal of the ordinary meaning" of the word *inner*. Therefore, the ordinary and customary meaning, as those having skill in the art understand it, has not been superseded by the instant application.

Additionally, in the prior art used to reject these claims, that is, Hornung (U.S. Patent 3,791,673), the word *inner* is used consistently with the ordinary usage given above. In

particular: "the folding link conduit members **96** and **102** each have a flange on the *inner* portion thereof" (col. 5 lines 33–35, emphasis added). These flanges (**138**, **140** col. 5 line 36–37) are clearly on a portion of the folding link conduit members that is both "situated farther in" and "being near a center" relative to other portions of the link conduit members **96** and **102** (Figs. 1 and 3).

Furthermore, what are referred to in the Advisory Action as "outer wing sections (98, 104)" are called "rear conduit members" (**98**, **104**) by Hornung. These rear conduit members are clearly not "outer" in the sense of the ordinary and customary usage according to the Miriam Webster Dictionary:

outer: **a :** situated farther out <the *outer* limits> **b :** being away from a center **c :** situated or belonging on the outside <the *outer* covering>

Specifically, no part of the rear conduit members **98**, **104** is "situated farther out" nor "being away from a center" relative to what the Advisory Action must consider "inner" sections, i.e. **54**, **56**. Therefore, to relate the *claimed* "outer wing sections" of the instant invention to the conduit members **98**, **104** of Hornung is in obvious error as the conduit members **98**, **104** are not *outer*. Therefore, Hornung does *not* disclose both an inner and an outer wing section as cited in claims 1 and 11 of the instant application and according to ordinary usage of the terms *inner* and *outer*.

It is therefore evident that the statement in the Advisory Action: "But the Examiner is being consistent in alternatively viewing the inner and outer ends of each section when progressively moving outward from the center section (22), so that each section has an inner then outer end, and the next section an inner and outer end and so on" is also in error. An ordinary and customary meaning of the word, "outward" is given below:

outward: moving, directed, or turned toward the outside or away from a center <an *outward* flow>

Moving from the outer ends of the beam end sections **56** and **54** of Hornung, one must move *inward* to the far ends of the conduit members **98**, **104**. Hence, the statement in the Advisory Action, "when progressively moving outward", makes no sense.

According to the MPEP §608.01 "No term may be given a meaning repugnant to the usual meaning of the term." While this rule is meant for applicants, it would seem prudent for the Examiner to observe as well. In this case, a component that is clearly *outer* according to the usual meaning has been redefined in the Advisory Action as *inner* which is a term that is exactly repugnant to the usual meaning of *inner*.

It is most disconcerting that the Advisory Action takes the liberty to redefine a word or words in a manner repugnant to or inconsistent with:

1. the ordinary and customary usage known and used by those of ordinary skill,
2. the usage in the instant application, and
3. the usage in the prior art of reference.

Using this approach in examining, *all* claims submitted in utility patent applications could be rejected at will.

Further, the Advisory Action states: "The applicant needs to provide further definition and limitation to what exactly is meant by the "inner" and "outer" end according to their interpretation, in order to define over the Hornung (US 3,791,673) patent." According to the MPEP §2111.01, "In construing claim terms, the general meanings gleaned from reference sources such as dictionaries must always be compared

against the use of the terms in context, and the intrinsic record must always be consulted to identify which of the different possible dictionary meanings is most consistent with the use of the words by the inventor." As has been clearly shown, dictionary meaning, the usage in the instant application, and the usage in the Hornung patent, are all consistent with the intrinsic record and have all provided the needed 'further definition and limitation to what exactly is meant by the "inner" and "outer" end.'

Regarding claim 19, the Advisory Action states: 'Furthermore, with respect to claim 19, applicant argues that Hornung does not disclose all the sections lieing *[sic]* substantially linearly from each end of the center section to an outer end of the wing sections. The Examiner maintains the rejection, since Fig. 1 of Hornung illustrates this limitation, which is met by applicant's broad language of "substantially".' By implication, if the instant claims had recited sections *not* substantially linear, they would not have read on Hornung, and would thus have been allowed. It seems unlikely the Examiner would have taken this position. It is certain one of ordinary skill in the art would *not* consider the sections of Hornung to be arranged substantially linear one to another.

The definition of "substantially linear" should be made by those skilled in this art. If Applicant had limited the arrangement of sections to lying "linearly" (without modifying it with "substantially), all a competitor would need do is provide a 0.01° deviation from perfectly linear in order to design around the present claims. It is applicant's wish to avoid this, and yet limiting the scope of the claim to a nearly linear arrangement to differentiate the instant invention from apparatuses such as that of Hornung. The

linkages **56** and **98** of Hornung have an *acute* included angle. No one of ordinary skill in this art would consider this arrangement "substantially linear."

In addition to the above, step (c) of claim 19 cites a folded position in which: "the at least three wing sections lie substantially parallel to the tongue and substantially linearly from each pivot point located on the center section to a forward end of the wing sections." Fig. 3 of Hornung illustrates the condition of his implement in a folded position. It is clear from Fig. 3 that the all the included angles between each of the links from the center sectional support beam **22** through the conduit members **96, 102** are acute. Certainly, no person having ordinary skill in this art would confuse this arrangement with "substantially linear."

As it has been clearly shown, the ordinary and customary definition of "inner" is the same as the consistent use thereof in the instant application. Further it has been shown that the definition given in the Advisory Action is repugnant to the common and accepted definition, the use in the instant application, and the use in the prior art used to reject the independent claims. It is therefore clear that the claims in the instant application clearly do not read on the Hornung disclosure. Hence, claims 1–3, 11–13, and 19–23 are clearly allowable.

Claims 4 and 14 were rejected in the Final Office Action under 35 U.S.C. 103(a) as being unpatentable over Hornung. This rejection should be reversed because claims 4 and 14 do not read on the proposed modification of Hornung for the reasons given above with respect to the Section 102 rejection.

Because dependent claims 2–10 and 23 depend on claim 1, claims 12–18 depend on claim 11, and claims 20–22 depend on claim 19, it is expected these claims are now also allowable.

Accordingly, because all remaining claims 1–23 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Appendix of All Claims

1. A method of providing a forwardly folding toolbar for a farm implement, said toolbar being operably connected to a tongue, the method comprising:

(a) operably attaching a center section to the tongue of the toolbar at a substantially right angle;

(b) operably pivotally attaching an inner end of an inner wing section to each end of the center section;

(c) operably pivotally attaching an inner end of an outer wing section to an outer end of each inner wing section; and

(d) rotating both wing sections at pivot points located on the center section to bring outer ends of the wing sections forward until the wing sections lie substantially parallel to the tongue.

2. The method of claim **1** additionally comprising supporting the center section with ground engaging wheels.

3. The method of claim **1** additionally comprising supporting pivot points between each of the wing sections with ground engaging wheels.

4. The method of claim **1** additionally comprising supporting ends of the outer sections with ground engaging wheels at each extreme end of the outer wing sections.

5. The method of claim **3** wherein actuators are provided for raising the pivot

points relative to the ground engaging wheels, upon folding, the method additionally comprising raising the pivot points between each of the wing sections relative to the ground engaging wheels with the actuators therebetween before the step of rotating both wing sections.

6. The method of claim **4** wherein actuators are provided for raising the pivot points relative to the ground engaging wheels, upon folding, the method additionally comprising raising the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators therebetween before the step of rotating both wing sections.

7. The method of claim **5** additionally comprising the step of lowering the pivot points between each of the wing sections relative to the ground engaging wheels with the actuators therebetween when the wing sections lie substantially parallel to the tongue.

8. The method of claim **6** additionally comprising the step of lowering the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators therebetween when the wing sections lie substantially parallel to the tongue.

9. The method of claim **7** additionally comprising engaging a latch to the tongue of the toolbar upon lowering the pivot points between each of the wing sections.

10. The method of claim **8** additionally comprising engaging a latch to the tongue of

the toolbar upon lowering the extreme end of the wing section.

11. An implement toolbar that is forwardly folding comprising:

(a) a tongue having a forward end and a rearward end;

(b) a center section operably attached to the tongue at a substantially right angle;

(c) inner wing sections, operably pivotally attached at inner ends of the inner wing sections to each end of the center section;

(d) outer wing sections, operably pivotally attached at inner ends of the outer wing sections to an outer end of each inner wing section; and

(e) folding means for rotating both wing sections at pivot points located on the center section to bring outer ends of the wing sections toward the forward end of the tongue until the wing sections lie substantially parallel to the tongue.

12. The implement toolbar of claim **11** additionally comprising ground engaging wheels for supporting the center section.

13. The implement toolbar of claim **11** additionally comprising ground engaging wheels for supporting pivot points between each of the wing sections.

14. The implement toolbar of claim **11** additionally comprising ground engaging wheels for supporting ends of the outer sections, said ground engaging wheels being

located substantially at each extreme end of the outer wing sections.

15. The implement toolbar of claim **13** additionally comprising actuators for raising the pivot points relative to the ground engaging wheels during folding.

16. The implement toolbar of claim **14** additionally comprising actuators for raising the pivot points relative to the ground engaging wheels during folding.

17. The implement toolbar of claim **15** additionally comprising latch for operably affixing a pivot point between the inner wing section and the outer wing section to the tongue of the toolbar by lowering the pivot point between each of the wing sections after the wing sections lie substantially parallel to the tongue.

18. The implement toolbar of claim **16** additionally comprising latch for operably affixing an extreme end of the outer wing section to the tongue of the toolbar by lowering the extreme end of the outer wing section after the wing sections lie substantially parallel to the tongue.

19. An implement toolbar that is horizontally folding comprising:

(a) a tongue;

(b) more than three sections comprising a center section having two ends and at least three wing sections, each operably pivotally attached end to end, all the sections lying substantially linearly from each end of the center

section to an outer end of the wing sections; and

(c) folding means for rotating the at least three wing sections at pivot points located on the center section to bring outer ends of the at least three wing sections forward until the at least three wing sections lie substantially parallel to the tongue and substantially linearly from each pivot point located on the center section to a forward end of the wing sections.

20. The implement toolbar of claim **19** wherein the toolbar is forwardly folding.

21. The implement of claim **19** including a forward end of the tongue, adapted to be attached to a rear end of a prime mover.

22. The implement of claim **19** including a hitch disposed on a forward end of the tongue, said hitch being adapted to be attached to a rear end of a prime mover.

23. The method of claim **1** including attaching a forward end of the tongue to a tractor for towing the implement forwardly.

Respectfully submitted,

VAUGHN L. BAUER

Feb. 15, 2005
Date

By: Michael O. Sturm
Michael O. Sturm
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1. (Previously Presented) A method of providing a forwardly folding toolbar for a farm implement, said toolbar being operably connected to a tongue, the method comprising:

(a) operably attaching a center section to the tongue of the toolbar at a substantially right angle;

(b) operably pivotally attaching an inner end of an inner wing section to each end of the center section;

(c) operably pivotally attaching an inner end of an outer wing section to an outer end of each inner wing section; and

(d) rotating both wing sections at [redacted] located on the center section to bring outer ends of the wing sections forward until the wing sections lie substantially parallel to the tongue.

2. (Original) The method of claim 1 additionally comprising supporting the center section with ground engaging wheels.

3. (Original) The method of claim 1 additionally comprising supporting pivot points between each of the wing sections with ground engaging wheels.

4. (Original) The method of claim 1 additionally comprising supporting ends of the outer sections with ground engaging wheels at each extreme end of the outer wing sections.

5. (Original) The method of claim 3 wherein actuators are provided for raising the pivot points relative to the ground engaging wheels, upon folding, the method additionally comprising raising the pivot points between each of the wing sections relative to the ground engaging wheels with the actuators therebetween before the step of rotating both wing sections.

6. (Original) The method of claim **4** wherein actuators are provided for raising the pivot points relative to the ground engaging wheels, upon folding, the method additionally comprising raising the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators therebetween before the step of rotating both wing sections.

7. (Original) The method of claim **5** additionally comprising the step of lowering the pivot points between each of the wing sections relative to the ground engaging wheels with the actuators therebetween when the wing sections lie substantially parallel to the tongue.

8. (Original) The method of claim **6** additionally comprising the step of lowering the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators therebetween when the wing sections lie substantially parallel to the tongue.

9. (Original) The method of claim **7** additionally comprising engaging a latch to the tongue of the toolbar upon lowering the pivot points between each of the wing sections.

10. (Original) The method of claim **8** additionally comprising engaging a latch to the tongue of the toolbar upon lowering the extreme end of the wing section.

11. (Previously Presented) An implement toolbar that is forwardly folding comprising:

(a) a tongue having a forward end and a rearward end;

(b) a center section operably attached to the tongue at a substantially right angle;

(c) inner wing sections, operably pivotally attached at inner ends of the inner wing sections to each end of the center section;

(d) outer wing sections, operably pivotally attached at inner ends of the outer wing sections to an outer end of each inner wing section; and

(e) folding means for rotating both wing sections at pivot points located on the center section to bring outer ends of the wing sections toward the forward end of the tongue until the wing sections lie substantially parallel to the tongue.

12. (Original) The implement toolbar of claim **11** additionally comprising ground engaging wheels for supporting the center section.

13. (Original) The implement toolbar of claim **11** additionally comprising ground engaging wheels for supporting pivot points between each of the wing sections.

14. (Original) The implement toolbar of claim **11** additionally comprising ground engaging wheels for supporting ends of the outer sections, said ground engaging wheels being located substantially at each extreme end of the outer wing sections.

15. (Original) The implement toolbar of claim **13** additionally comprising actuators for raising the pivot points relative to the ground engaging wheels during folding.

16. (Original) The implement toolbar of claim **14** additionally comprising actuators for raising the pivot points relative to the ground engaging wheels during folding.

17. (Original) The implement toolbar of claim **15** additionally comprising latch for operably affixing a pivot point between the inner wing section and the outer wing section to the tongue of the toolbar by lowering the pivot point between each of the wing sections after the wing sections lie substantially parallel to the tongue.

18. (Original) The implement toolbar of claim **16** additionally comprising latch for operably affixing an extreme end of the outer wing section to the tongue of the toolbar by lowering the extreme end of the outer wing section after the wing sections lie substantially parallel to the tongue.

19. (Previously Presented) An implement toolbar that is horizontally folding comprising:

(a) a tongue;

(b) more than three sections comprising a center section having two ends and at least three wing sections, each operably pivotally attached end to end, all the sections lying substantially linearly from each end of the center section to an outer end of the wing sections; and

(c) folding means for rotating the at least three wing sections at pivot points located on the center section to bring outer ends of the at least three wing sections forward until the at least three wing sections lie substantially parallel to the tongue and substantially linearly from each pivot point located on the center section to a forward end of the wing sections.

20. (Original) The implement toolbar of claim **19** wherein the toolbar is forwardly folding.

21. (Previously presented) The implement of claim **19** including a forward end of the tongue, adapted to be attached to a rear end of a prime mover.

22. (Previously presented) The implement of claim **19** including a hitch disposed on a forward end of the tongue, said hitch being adapted to be attached to a rear end of a prime mover.

23. (Previously presented) The method of claim **1** including attaching a forward end of the tongue to a tractor for towing the implement forwardly.

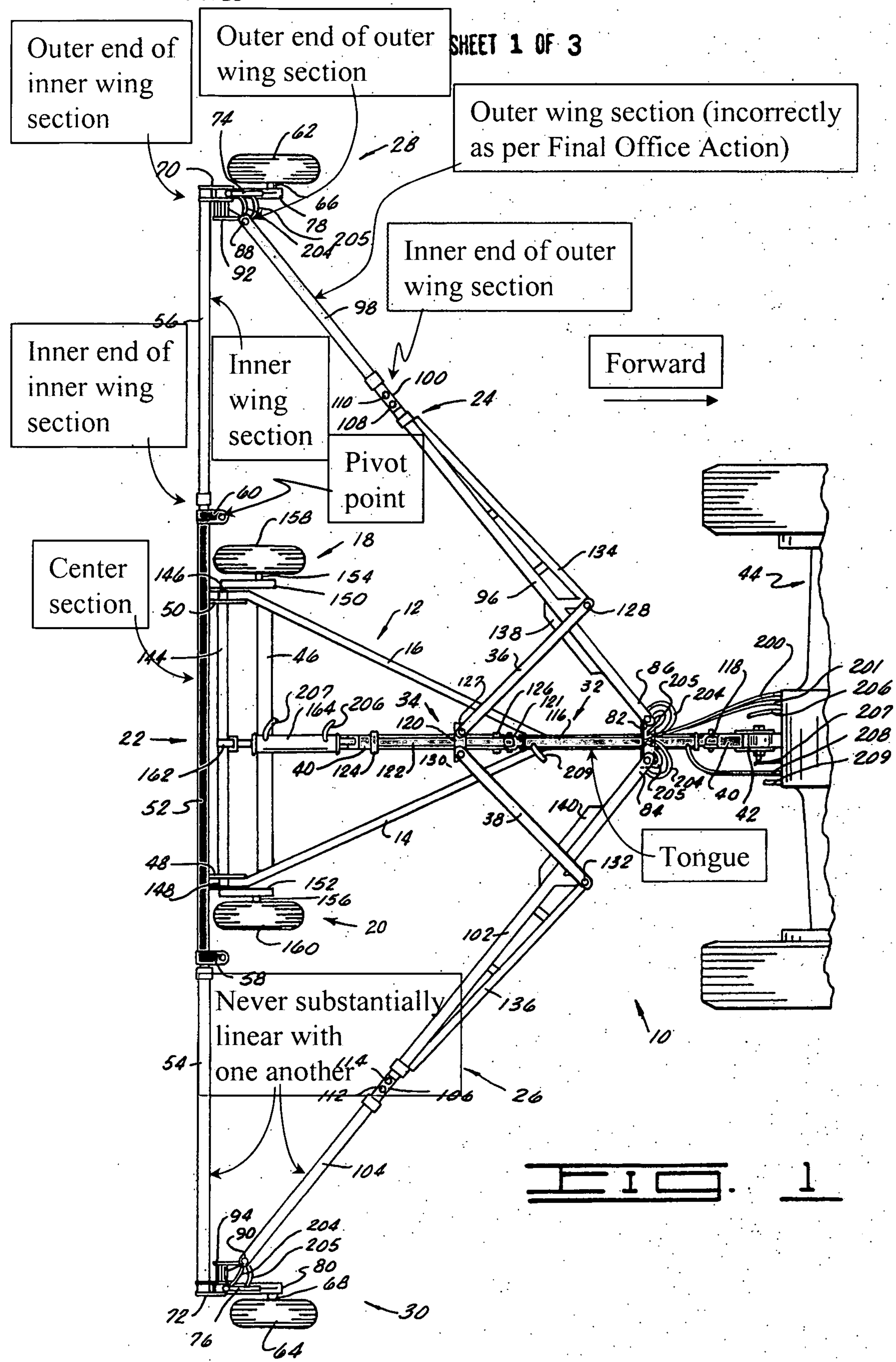
Outer end of inner wing section
Outer end of outer wing section
Outer wing section (incorrectly as per Final Office Action)
Inner end of outer wing section
Inner end of inner wing section
Inner wing section
Pivot point
Forward
Center section
Tongue
Never substantially linear with one another

FIG. 1